IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1661 OF 2005

Parvez Mehboob Sheikh ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr.Naveen Chomal, for the Applicant.

Mr.V.B.Konde Deshmukh, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

14th March 2005

P.C.:

. This is second bail application for bail before this Court. This application has been filed mainly on the basis that there is error in the order dated 21st February 2005 as this Court has recorded that the Applicant was arrested along with other accused at Navi Vasti, Nehru Nagar, Bhiwandi. According to the Applicant, the

Applicant is shown as arrested in the arrest panchnama at a different place. To this extent, the grievance of the Applicant is justified that wrong place of arrest has been mentioned in the order as passed. Learned A.P.P. fairly accepts that the correct place has been mentioned in the arrest panchnama and the address of Navi Vasti, Nehru Nagar, Bhiwandi was wrongly mentioned by him on the earlier occasion. The fact remains that the evidence on record goes to show that the Applicant was arrested along with the other accused by the Police as can be seen from the arrest panchnama. In the circumstances, the discrepancy occurring in the order passed on 21st February 2005 will be of no avail to the Applicant as it is not possible to suggest that the conclusion reached in that order cannot be sustained because of that mistake. As mentioned earlier, the fact that the Applicant was arrested along with the other accused is established from the evidence on record. Besides, the Applicant was arrested with bloodstained clothes, which is also a strong circumstance against the Applicant. Moreover, the evidence also indicates that the Applicant had led the investigating party to the

graveyard where the deceased was buried. This evidence will have to be accepted as it is for the time being.

. Viewed in this perspective, as there is direct material to indicate the complicity of the Applicant in the commission of the crime, the argument that the Applicant is a different person and not Parvez Mehmood Sheikh, who is the actual accused cannot be accepted. The fact that the Applicant was not involved in the commission of the offence is, therefore, a matter for trial. Hence, I see no reason to entertain this second bail application of the Applicant. Dismissed.

. I have already directed the Sessions Judge, Thane, to assign the case to the Fast Track Court to ensure early disposal of trial as High Court Expedited Case. I hope and trust that the said direction will be carried out in its letter and spirit as prayer for bail of the Applicant has been rejected.

(A.M.KHANWILKAR,J.)